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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,603	01/08/2004	David I. Suda	D0932-00401	6351
8933	7590	06/27/2007	EXAMINER	
DUANE MORRIS, LLP			MYERS, JEROME B	
IP DEPARTMENT			ART UNIT	PAPER NUMBER
30 SOUTH 17TH STREET			3609	
PHILADELPHIA, PA 19103-4196			MAIL DATE	DELIVERY MODE
			06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/753,603	SUDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerome B. Myers	3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____.                         |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20070125, 20060713, 20051230, 20050523, 20041213.

**DETAILED ACTION**

1. Claims 1-37 of US Application 10/753,603, filed on 01/08/2004, are presented for examination.

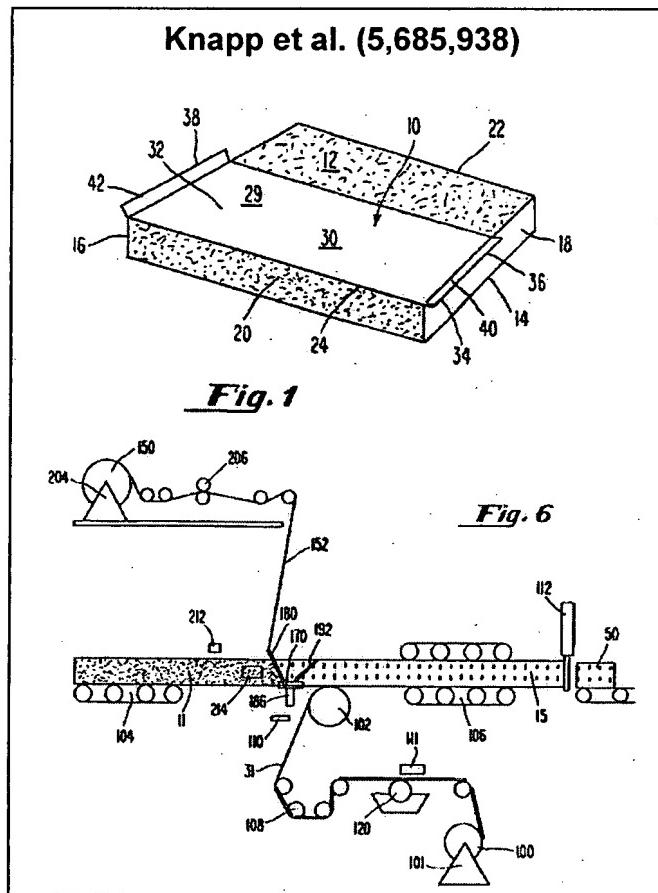
**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Knapp et al. (5,685,938).



4. Regarding claim 1, with reference to Fig. 1 (Page 2) Knapp et al. discloses a insulation assembly (10) (Col. 3, Line 32), containing a mat with randomly oriented inorganic fibers, and a heat curable binding agent (Col. 3, Line 34), with said mat having a pair of side portions (Col. 3, Line 37) and first and second major surfaces (Col.3, Line 40). Knapp also discloses a nowoven sheet on said first major surface. The apparatus in Fig. 1, meets the limitations of the apparatus described in claim 1. Given the structure of the assembly of Knapp et al., the claimed method steps would inherently be performed when forming the insulation product of Knapp et al.

5. Regarding claims 2-4, Knapp et al. discloses a mat (20) containing mineral fibers, rotary glass fibers, textile glass fibers, stonewool fibers, or a combination thereof. Knapp further discloses a vapor retardant cellulosic or polymeric facing (32) comprised of Kraft paper coated with bituminous material (Col. 3, Lines 55-57).

6. Regarding claim 5, Knapp et al. discloses a nonwoven (Col. 3, Line 33) sheet that is porous to water vapor and air evacuated when the apparatus is compressed.

7. Regarding claims 6, 7, and 10 Knapp et al. discloses a system Fig. 6 (Page 2) wherein forming a uncured or partially cured mat (Step (a) of claim 1) provides the said randomly oriented inorganic fibers with a plurality of fiberizers; treating said randomly oriented inorganic fibers with a heat curable binder agent and collecting said randomly oriented inorganic fibers treated with said heat curable binder agent on a forming belt, wherein said heat curable binder agent is applied to said nonwoven sheet before or during Step (b), of claim 1. Said system further comprises a step of affixing a nonwoven

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sheet comprising randomly oriented glass fibers to at least one of said second major surface and side portion from said pair of side portions.

**Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al. (5,685,938), in view of Nedwick et al. (5,804,254).

10. Regarding claim 11-16, 18, 19, with reference to Fig. 1 and Fig. 6 (Page 2), Knapp et al. teaches:

a mat (20) with randomly oriented inorganic fibers, and a heat curable binding agent, with said mat having a pair of side portions and first and second major surfaces; a nowoven sheet on said first major surface; said mat containing mineral fibers, rotary glass fibers, textile glass fibers, stonewool fibers, or a combination thereof; a nonwoven (Col. 3, Line 33) sheet that is porous to water vapor and air evacuated when the apparatus is compressed.

Knapp further teaches a system Fig. 6, wherein forming a uncured or partially cured mat (Step (a) of claim 11) provides the said randomly oriented inorganic fibers with a plurality of fiberizers; treating said randomly oriented inorganic fibers with a heat

curable binder agent and collecting said randomly oriented inorganic fibers treated with said heat curable binder agent on a forming belt, wherein said heat curable binder agent is applied to said nonwoven sheet before or during Step (b), of claim 11. Said system further comprises a step of affixing a nonwoven sheet comprising randomly oriented glass fibers to at least one of said second major surface and side portion from said pair of side portions. Knapp does not teach temperature.

Nedwick et al. teaches a curing temperature from 120<sup>o</sup>C to 400<sup>o</sup>C (248<sup>o</sup>F to 752<sup>o</sup>F) (Col 3, Line 31), for a period of time between 3 seconds to 15 minutes.

11. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Knapp's mat with Nedwick's heating temperatures in order to cure the mat within in a timely fashion. Concerning claims 11-16, 18, and 19, the combination renders the claims the claimed method steps obvious since such would be logical manner of using the combination.

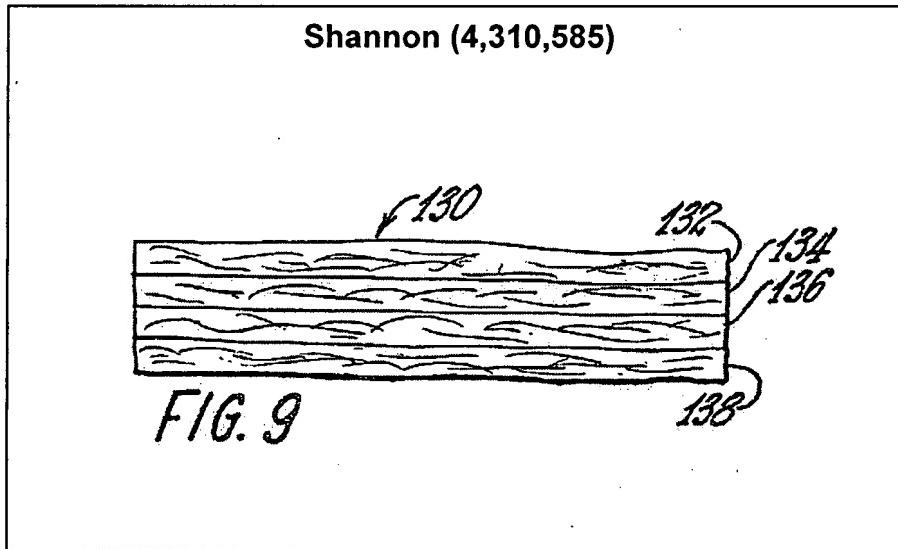
12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al. (5,685,938), in view of Alderman et al. (5,246,514).

13. Knapp et al. teaches an insulation assembly having a fiberglass density of 0.3 to 1.5 pounds per cubic foot. (Col. 3, Line 3) Knapp does not teach thickness greater than about 2 inches.

Alderman et al. teaches forming a fiberglass blanket with its thickness between 3 to 6 inches (Col. 4, Line 9).

14. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Knapp's insulation assembly by forming a mat 3-6

inches, as taught by Alderman, in order to have a mat with the desired weight and thickness. Concerning claim 17, the combination renders the claimed method steps obvious since such would be logical manner of using the combination.



15. Claims 20-37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al. (5,685,938), in view of Shannon (4,310,585) and Alderman et al. (5,246,514).

16. Regarding claims 20-37, with Reference to Fig. 1 and Fig. 3 (Page 2), and Fig. 9 (Above), Knapp et al. teaches:

a mat (20) with randomly oriented inorganic fibers, and a heat curable binding agent, with said mat having a pair of side portions and first and second major surfaces;

a nowoven sheet on said first major surface;

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said mat containing mineral fibers, rotary glass fibers, textile glass fibers, stonewool fibers, or a combination thereof;

an insulation assembly having a fiberglass density of 0.3 to 1.5 pounds per cubic foot (Col. 3, Line 3).

Knapp does not teach thickness greater than about 2 inches.

Shannon teaches an nonwoven sheet (Fig. 9) comprising first randomly oriented fibers and second randomly oriented fibers, where said first randomly oriented fibers have a melting point above a temperature used in curing said mat and second randomly oriented fibers having a melting point below said temperature used in curing of said mat.

Shannon further teaches wherein said first fibers comprise fiberglass and said second fibers comprise polymetric fibers, and said nonwoven sheet comprise a laminate.

Alderman et al. teaches a fiberglass blanket with its thickness between 3 to 6 inches.

17. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Knapp's mat with Alderman's fiberglass blanket and with Shannon's nonwoven sheet to form a mat with the desired weight and thickness. Concerning claim 20-37, the combination renders the claimed method steps obvious since such would be logical manner of using the combination.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome B. Myers whose telephone number is (571) 270-

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3097. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM, Alt. Fri Off, EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson  
Supervisory Patent Examiner  
Art Unit 3600

JBM

J.M.